

Remarks

By this amendment, claims 37 and 53 have been amended. Thus, claims 37-56 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

It is noted that the present response is substantially the same as the response-after-final filed on September 20, 2010, except that claims 37 and 53 have been further amended in accordance with a telephone discussion conducted with Examiner Rosati on September 30, 2010, in which the additional amendatory claim language “so that the coil elements that are adjacent each other have both air gaps therebetween and contact parts thereof that respectively physically contact each other” was generally discussed for the purpose of further clarifying the nature of the physical contact between the coil elements. Corresponding revisions have been added into paragraphs [0045] and [0060] of the specification, and the below boldfaced language has been added into the arguments presented below in support of the present claims.

Minor amendments to the specification have been made in order to correct various editorial and idiomatic errors. No new matter has been added by such amendments.

Initially, with reference to items 1-4 of the Office Action in which the Examiner held that claims 45-52, 54 and 55 are withdrawn from further consideration as being directed to a non-elected invention that was “constructively elected by original presentation,” such holding is respectfully traversed.

First it is noted that all of the original claims 1-36 were readable on the species of Fig. 3 and, accordingly, there was no constructive election by original presentation upon examination of original claims 1-36. If the Examiner persists in this holding, it is requested that the Examiner indicate specifically which of the original claims 1-36 was readable only on Fig. 1.

Next, in items 7-10 on pages 4-6 of the Office Action, claims 37-39, 42, 44, 53 and 56 were rejected under 35 USC §103(a) as being unpatentable over Andersson et al. (U.S. 3,232,344) in view of Hopkins (GB 2,146,423); claims 40 and 41 were rejected under 35 USC §103(a) as being unpatentable over Andersson in view of Hopkins and further in view of Marukasa (JP 05166982); and claim 43 was rejected under 35 USC §103(a) as being unpatentable over Andersson in view of Hopkins and further in view of Kimura (JP 03014300).

These rejections are respectfully traversed and are believed especially inapplicable to the claims as now presented, for the following reasons.

First, reference is made to Examiner's statement in the second-to-last line on page 4 of the Office Action that "it is noted that nothing in the claim says that the coils must physically touch." This position taken by the Examiner is respectfully traversed, because each of claims 37 and 53 clearly recited "such that said coil elements are in close contact with each other, so as to form air gaps and contact parts." The first definition for the word "contact" in *dictionary.com* states "the act or state of touching; a touching or meeting, as of two things". If the phrase "in close contact with each other" does not mean that the elements are required to physically touch each other, it is not understood how the Examiner would construe such claim language. It is submitted that this claim language "in close contact with" clearly requires physical contact. However, so as to make abundantly clear the nature of this structure, claims 37 and 53 have been amended to state "such that adjacent ones of said coil elements are in close physical contact with each other, so that the coil elements that are adjacent each other have both air gaps therebetween and contact parts thereof that respectively physically contact each other", and corresponding amendments have been made to paragraphs [0045] and [0060] of the specification. Further, claims 37 and 53 have been amended to specify that the mutually aligned coil elements "are displaced relative to one another", as clearly illustrated in the drawing figures.

In contrast to the present invention of the independent claims 37 and 53, and as apparently recognized by the Examiner, especially in view of the statement mentioned above that "it is noted that nothing in the claim says that the coils must physically touch," the Andersson et al. patent clearly does not disclose the presently claimed heat sink in which the mutually aligned coil elements of the fins are displaced relative to one another, and wherein the right-handed coil and left-handed coil thereof are combined and flattened such that adjacent ones of the coil elements are in close physical contact with each other, so that the coil elements that are adjacent each other have both air gaps therebetween and contact parts thereof that respectively physically contact each other."

The coils of the present invention must be in physical contact (i.e. physically touch); it is described in paragraph [0063], "since...the contact parts 113 of the metal wires 12 and 13, to consequently improve the thermal conductivity and heat dissipation performance of the heat

sink. Furthermore, closely intertwining of the right-handed and left-handed metal wires 12 and 13 makes the fin 11 stable.”

The Examiner cited the Hopkins patent for disclosing “a base plate which has right handed and left handed coils,” cited the Marukasa reference for disclosing “fins which are in a groove in the base plate,” and cited the Kimura reference for discussing “the concept of utilizing a heat sink.” However, these teachings of Hopkins, Marukasa and Kimura provide no disclosure that would have overcome the above-discussed deficiencies of the Andersson patent in such a manner that would have caused a person of ordinary skill in the art to find it obvious to modify the Andersson configuration so as to result in or otherwise render obvious the present invention of claims 37 and 53. Therefore, it is respectfully submitted that claims 37 and 53, as well as the claims which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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October 18, 2010